

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re MATTIE MAE FAULKNER	:	Chapter 13
	:	
Debtor	:	Bky. No. 17-10660
<hr style="border: 0.5px solid black;"/>	:	
MATTIE MAE FAULKNER,	:	
	:	
Plaintiff	:	
	:	
v.	:	
	:	
M&T BANK,	:	
	:	
Defendant	:	Adv. No. 17-276
	:	

.....
P R E T R I A L O R D E R # 1
.....

AND NOW, it is hereby **ORDERED** that:

1. The following discovery and pretrial schedule shall apply:
 - a. All expert witnesses shall be identified and a copy of each expert's report shall be provided to every other party, in accordance with Fed. R. Civ. P. 26(a)(2) **on or before JANUARY 22, 2019**
 - b. All discovery shall be completed **on or before February 12, 2019.**
 - c. All motions to amend the pleadings, or for summary judgment,¹ shall be filed **on or before MARCH 5, 2019**. If such a motion or motions is/are filed, the parties are **not relieved** of their obligation to comply with the terms of the balance of this Pretrial Order.

¹ A motion for summary judgment shall include a separate statement of those material facts that the movant contends are not in dispute with supporting citations to the record. Failure to comply with this requirement shall be grounds for summary denial of the motion.

- d. All discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be served on opposing parties and filed with the bankruptcy court **on or before MARCH 19, 2019**.
 - e. Any objections to Rule 26(a)(3) disclosures shall be served on opposing counsel and filed with the bankruptcy court **on or before MARCH 26, 2019**.
 - f. **On or before APRIL 9, 2019**, the parties shall file a joint pretrial statement. The joint pretrial statement shall be signed by all counsel. ***It is the obligation of the Plaintiff's counsel to initiate the procedures for its preparation and to assemble and submit the proposed pretrial statement to the court.*** Plaintiff's counsel shall submit a proposed joint pretrial statement to Defendant's counsel not less than 7 days prior to the deadline for its submission. Counsel are expected to make a diligent effort to prepare a proposed pretrial statement in which will be noted all of the issues on which the parties are in agreement and all of those issues on which they disagree. The proposed pretrial statement shall govern the conduct of the trial and shall supersede all prior pleadings in the case. Amendments will be allowed only in exceptional circumstances and to prevent manifest injustice.
2. The joint pretrial statement shall be in the following form:
- A. Basis of jurisdiction. (including a statement whether this matter is core or noncore). If the matter is noncore, the parties shall state whether they consent to the court's entry of a final order pursuant to 28 U.S.C. § 157(c)(2). If the parties disagree, they shall each cite to relevant authority to support their positions.
 - B. Statement of uncontested facts.
 - C. Statement of facts which are in dispute. [No facts should be disputed unless opposing counsel expects to present contrary evidence on the point at trial, or genuinely challenges the fact on credibility grounds.]
 - D. Damages or other relief. A statement of damages claimed or relief sought. A party seeking damages shall list each item claimed under a separate descriptive heading, shall provide a detailed description of each item and state the amount of damages claimed. A party seeking relief other than damages shall list the exact form of relief sought with precise designations of persons, parties, places and things expected to be included in any order providing relief.
 - E. Legal issues presented and the constitutional, statutory, regulatory and decisional authorities relied upon. (Counsel should include a brief statement regarding which party has the burden of proof on each legal issue).

- F. Witnesses listed along with a brief statement of the evidence the witness will give. Witnesses shall be classified between those whom any party expects to present and those whom any party may call if the need arises. If not already provided to all parties, the address and telephone number of each witness shall be disclosed.
 - G. A list of all exhibits to be offered into evidence which shall be serially numbered and physically marked before trial in accordance with the schedule. Documents which a party may offer if the need arises shall be separately identified.
 - H. Motion(s) In Limine: The parties shall identify any Motions *In Limine* that they believe need to be resolved prior to trial. The nature of the issue shall be described in sufficient detail to facilitate a discussion of the issue(s) at the final pretrial/settlement conference and to permit the court to issue an appropriate scheduling order, if necessary, for the filing and resolution of such Motion(s).
 - I. A list of each discovery item and trial deposition to be offered into evidence. (Counsel shall designate by page portion of deposition testimony and by number the interrogatories which shall be offered in evidence at trial).
 - J. Estimated trial time.
 - K. A certification that the parties have attempted good faith settlement discussions without success.
- 3. A mandatory final pretrial/settlement conference shall be held on **APRIL 17, 2019, at 10:00 a.m., in Bankruptcy Courtroom No. 1, Robert N.C. Nix Federal Building & Courthouse, 900 Market Street, Second Floor, Philadelphia, Pennsylvania.**
 - 4. If the adversary proceeding is not resolved prior to the conclusion of the final pretrial/settlement conference, the adversary proceeding shall be scheduled for trial at the Court's first available date.
 - 5. Each party may file, no later than five (5) days prior to the date of trial, a trial memorandum with service on the opposing part(y)(ies).
 - 6. All trial exhibits shall be pre-marked and exchanged at least three (3) business days prior to the date of trial.
 - 7. **The trial may be continued only in exceptional circumstances on Motion and leave of Court.**

A handwritten signature in black ink, appearing to read 'ERL', with a long horizontal line extending from the end of the signature.

Date: November 15, 2018

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE